

NEW HAMPSHIRE BAR ASSOCIATION
BOARD OF GOVERNORS MEETING
Thursday, February 16, 2017
Bar Center, Concord, NH

MINUTES

Present for all or part of the meeting were:

Scott H. Harris	John MacIntosh
Peter E. Hutchins	Jeannine L. McCoy
Robert R. Howard III	Denice DeStefano
John A. Curran	Joanne Hinnendael
Edward D. Philpot, Jr.	Paula D. Lewis
Jonathan Eck	Virginia A. Martin
Christopher Regan	Jennifer Pinckney
Christopher Marshall	Deborah J. Hawkins
Kristin Fields	Kristen Senz
James Cowles	Jason Dennis
Richard C. Guerriero, Jr.	Rebeka Fortress
Ora Schwartzberg	Molly Lynch
Cathy Shanelaris	Nathan Warecki
James A. Shepard	Mary Bleier
Lanea Witkus	Christine Donlan
Sarah Lavoie (by phone)	Elsabeth McGohey
Kathleen M. Mahan (by phone)	Bradford Kuster
	Marcia Brown (by phone)

A meeting notice reminder, preliminary agenda and related materials were emailed February 10th. Additional materials were distributed February 15th and 16th. The Agenda is duplicated below in order of consideration of agenda items. Unless otherwise noted, all motions reported are deemed to have been appropriately proposed, seconded and voted upon by those present.

REGULAR BUSINESS

- A. Call to Order Peter Hutchins
- The regular session of the February 16, 2017 Board of Governors meeting was called to order at 4:02 p.m. by Treasurer Peter Hutchins.
- B. Welcome and introduction- Leadership Academy Participants Board Members
- Participants of the 2016-17 Leadership Academy Christine Donlan, Molly Lynch, Mary Bleier, Rebecca Fortress, Nathan Warecki, and Jason Denis were introduced by Board members.
- C. Status of the Bar Jeannine McCoy
- Jeannine reviewed several charts that compare aspects of the New Hampshire Bar Association to other

bar associations across the county. She shared that the Court Commission on the Bar in the 21st Century has been contacting other state bars in an effort to gather comparative data. As confirmed by the ABA's Division for Bar Services, it is hard to do an "apples to apples" comparison of bar associations as each operates differently in terms of structure, priorities, challenges, etc. The Bar Association's current program mix has developed over a number of years, so each new Board may not be familiar with the impetus for programs initiated under earlier governance groups. Jeannine notes that the work being done with the Non-Profit Sustainability Institute is helping to develop a framework for meaningful, objective and regular program evaluation.

The first chart compared total cost to practice in each state. The NHBA is 9th in this area, due in part to some of the highest professional conduct fees (not under the Association's control) in the country. Next was comparison of staff size. The NHBA is always toward the top in its category of 5,000-9,999 members, however the ABA often compares New Hampshire programmatically to the larger bar associations and the NHBA staff size is small when compared with organizations with similar levels of activity. The third chart compared revenue; the NHBA has a healthy non-dues revenue stream; Paula Lewis, Director of Finance added that for the current year this figure is just over 50%.

D. Treasurer's Report

Paula Lewis

Paula Lewis, Director of Finance and IT reviewed the financial status of the Bar for the first seven months of FY 2017, ending December 31, 2016. Overall the organization is in a favorable financial position. There were some variances in CLE revenues due to the shift in timing of the membership meetings. She also spoke about the Bar's cash reserves, which are healthy.

PRESENTATION / DISCUSSION / ACTION ITEMS

E. Gender Equality Committee – Proposals

Elsabeth McGohey, GEC
Marcia Brown, GEC

- Ten Year Survey

Marcia Brown and Elsabeth McGohey joined the meeting to discuss the proposed ten-year survey. They presented the initial proposal at the November 2016 Board of Governors meeting, and the Board requested they return with more details and a cost estimate for the survey. Marcia told the Board that \$3,000 - \$8,000 was estimated as a reasonable amount to complete the survey. They hope to deploy it toward the end of 2017, with the report to be written by the Gender Equality Committee (GEC) members, with editing and distribution assistance by Bar staff. The report would be released in 2018. Pros and cons were discussed about the need to collect this data and how it would be used. It was pointed out that the GEC has been conducting this survey since 1988. Board Members shared that many rely on this survey for economic figures. Another noted that it is his experience that gender discrimination exists in the New Hampshire legal community. The committee was encouraged to reach out to the survey firm used for the 2015 Member Survey. The amount of staff time involved was also discussed. Jen Pinckney will be the staff supporting the project. It was also noted that when you amortize the cost over the 10-year interval of the survey it is less than \$1000 per year.

ACTION

On motion to adopt the survey proposal of the Gender Equality Committee to expend between \$3,000 and \$8,000. Passed with 1 no vote.

- Replay/Roleplay Negotiation Training Program

Elsabeth outlined the plans for this event. The request is for \$500. This program is conducted with volunteer time, as in the past. It was very popular when conducted with UNH Law last year, and the committee was asked to repeat it. Young lawyers are being targeted for the event. Jeannine noted results from our recently conducted member survey told us that members are looking for non-lawyer networking opportunities and this event will be offered to the Concord Young Professionals Network. There was discussion about coordination with CLE and credit being offered; Elsabeth responded that there is no intent to offer credit. There has been no cost to attend in the past; participants have noted that cost is a factor. It was asked that in the future the GEC coordinate this event with the CLE department.

ACTION

On motion to accept the Gender Equality Committee's proposal for the Replay/Roleplay Negotiation Training Program with a budget maximum of \$500. Passed with 1 no vote.

F. Lawyer Referral Service Subcommittee - Proposal Brad Kuster, Chair

Brad Kuster, of the Delivery of Legal Services LRIS Subcommittee spoke about the history of the Lawyer Referral Service's Reduced Fee Program. There are two parts to the proposal. First is to change the name to Modest Means Program. The subcommittee feels that this will help increase popularity and use of the program with prospective clients, as well as increase attorney participation. The second change is the expansion of client eligibility by increasing the income ceiling to 350% of the federal poverty level and using a revised sliding fee schedule. The maximum fee to be charged has been raised from \$80 to \$125 and is based on the client's income.

There was discussion about the background to these changes. Ginny Martin, Associate ED for Legal Services, shared that most of the cases referred are family law cases; there are no tort cases. The Lawyer Referral Services surveyed those that participate in the program and the results supported these changes.

ACTION

On motion to accept the Modest Means Program proposal. Passed with 1 no vote.

There was further discussion about the role of the Board of Governors in approving changes to the Lawyer Referral Service and related programming.

ACTION

On motion to reconsider the vote on the above motion. Failed. Unanimously.

G. Legislation Update John MacIntosh

The NHBA lobbyist, John MacIntosh gave the Board an update on the 2017 Legislative session. The "right to work" bill was defeated in the Legislature by 23 votes. It is dead for this year, but could be brought back next year, in the second year of the biennium.

- Review and action- Legislation Committee proposed positions

John reviewed the most recent legislation considered by the Legislation Committee and their recommended positions.

Recommended position of OPPOSE:

- HB 635 Requiring a non-client public protection and recovery fund to be administered by the Supreme Court

Recommended position of INFORMATION NEGATIVE:

- HB 521 Revising the Alimony Statute
- SB 0040 Relative to Electronic Wills

Recommended position of SUPPORT:

- SB 167 Relative to the burden of proof in termination of parental rights cases

ACTION

On motion to accept the above recommendations of the Legislation Committee. Passed with 1 abstention (Lanea Witkus).

Recommended position of INFORMATION (due to technical corrections suggested by the committee).

- HB 538 Professional Occupations Reciprocity
- HB 626 Relative to annulment of criminal records
- HB 652 Veterans Benefits/Child Support
- SB 143 Allowing for notarized signatures electronically on court documents

ACTION

On motion to accept the above recommendations of the Legislation Committee. Passed with one abstention (Lanea Witkus).

- Discussion of HB 198 – Qualifications for the position of consumer advocate

The request for the Board to review this bill and take a position came from a member of the NHBA. John MacIntosh summarized the proposed bill, which would amend the current statement to allow the consumer advocate to be “either a qualified attorney admitted to practice in this state, an engineer licensed to practice in the state, a certified public accountant, a qualified person with financial experience, or an economist.” This bill was recently amended further to require an attorney be on staff if the advocate is not an attorney. The Board discussed the bill. Some members thought this is a policy issue, and therefore should not be decided by the Legislature.

ACTION

On motion to take a position of OPPOSE on HB 198.
During the following discussion, the motion was amended.

ACTION

On motion to take a position of INFORMATION on HB 198. Passed with 1 no vote.

Chapman and Keller considerations were considered in relation to all proposed positions.

H. Strategic Planning Update

Ed Philpot

Ed updated the Board on status of the Transitions Out of Practice Group. They are still looking for Board member volunteers for the subcommittee that will be working with staff to dive deeper with some of the member survey data in this area. Speak with Jeannine or Jen Pinckney if interested. He also reported that the CLE Learn @ Lunch is up and running and successful.

Non-Profit Sustainability Institute

Ed Philpot

Jeannine, Paula Lewis, Denice DeStefano, Jen Pinckney and Ed Philpot attended a day-long workshop as part of this institute. Ed shared his impression that this work will dovetail nicely with the Bar Association's current work, and help bring the strategic plan to the next level. He noted that we have a talented team participating in this work; the NHBA professional staff was exceptional at the work session.

REGULAR BUSINESS – CONSENT ITEMS

I. Membership Status Changes for February 2017

Paula Lewis

The Board received the membership status changes which are attached as a permanent part of these minutes.

J. Dues Waiver Request

Paula Lewis

The Board approved the following waiver requests:

100% waiver of 2016-17 Court fees, Bar dues and late fees.

K. Minutes of January 19, 2017 Meeting

Rob Howard

The Board accepted the minutes as presented.

ACTION

On motion to accept the consent agenda. Passed. Unanimously.

REGULAR BUSINESS-

L. President-elect's Report

- Feedback on District Court backlogs

This item will be addressed at a future meeting. Board members are asked to reach out to their Association members. Richard Guerriero asks that Board members email him as well as Scott with any information on this issue.

- Midyear Meeting 2017 – March 10, 2017, Radisson Manchester

Scott noted that we have a terrific day put together, and encourages all to sign up.

M. Executive Director's Report

- Court Commission update Jeannine McCoy
Jeannine called the Board's attention to a chart in the packet of materials listing the 64 pieces of information the Court Commission has requested and been given. She will highlight selected items from the chart at future meetings. Board members were encouraged to get in touch with Jeannine with any specific questions or information requests.

- Communications Report Jen Pinckney

Jen Pinckney, Director of Strategic Communications shared with the Board recent work on updating the NHBA's logo. There were problems with the current logo being reproduced consistently across different media formats, as well it as not working well for the web. Staff worked on creating a new logo; something that would tie all our programs together, brand our programs and communicate that they are all related to the NHBA. The move toward creating a stronger brand identity for the NHBA came out of the analysis of the data from the 2015 Member Survey. Although this report is an FYI to the Board as we begin to use the new logo; all were encouraged to contact Jen with specific feedback. Board member reaction was favorable.

N. Any New Business

- Leadership Academy project survey Rebeka Fortress, Christine Donlan, Mary Bleier

Rebeka Fortress explained to the Board that, as part of one Leadership Academy group project, they are seeking permission to conduct a survey on student loan debt. The group is looking to complete a qualitative update on past quantitative data (from the Association's general economic survey). The group is cognizant of staff time and resources. They would like to use Survey Monkey. Timing issues were discussed, as the Court Commission is considering deploying a survey to the Bar membership. Jen Pinckney has offered to help on the Leadership Academy project. Jeannine McCoy noted loan debt is a significant issue members are facing, and this will be important information for the Bar to collect. Intent is for the survey to include questions about helpful loan repayment programs. Board members spoke in support, sharing that student loan debt has impacted them directly. The group is also looking to include questions about how this debt has impacted their ability to do "low bono" and pro bono work.

ACTION

On motion to approve the Leadership Academy survey proposal with the assistance of Jen Pinckney. Passed. Unanimously.

ADJOURNMENT

The February 16, 2017 Board of Governors Meeting adjourned at 6:25 p.m.

Respectfully submitted,



Deborah J. Hawkins, for
Robert R. Howard, III, Secretary

Membership Status Changes

Presented to the Board of Governors February 16, 2017

Active to INACTIVE:

- 268542 Heller, Aurora C., Albany, NY (effective December 1, 2016) New Admit
- 268621 Hemmerich, Amanda L., Bouldr, CO (effective December 28, 2016) New Admit
- 268439 Kalenderian, Deidre E., Boston, MA (effective December 1, 2016) New Admit
- 16854 Klark, Scott B., W. Danville, VT (effective January 27, 2017)
- 268625 Madigan, Kathkeen T., Randolph, MA (effective December 28, 2016) New Admit
- 268513 McNamara, Catherine J., Nashua, NH (effective December 1, 2016)
- 268570 Roisin, Jesse S.B., McKinney, TX (effective December 7, 2016) New Admit
- 18980 Roundy Knights, Stephani J., Exeter, NH (effective January 27, 2017)
- 268535 Shannon, Kara E., Brooklyn, NY (effective December 1, 2016) New Admit
- 19393 Smith, William F., Moultonboro, NH (effective February 1, 2017)
- 19887 Stevens, Daniel S., Rutland, VT (effective January 30, 2017)
- 268546 Threatt, James S., New Haven, CT (effective December 1, 2016) New Admit
- 268554 Walton, Morgan B., Montpelier, VT (effective December 1, 2016) New Admit
- 268531 Woolf-Sullivan, Justin M., Keene, NH (effective December 1, 2016) New Admit

Active to JUDICIAL:

- 15138 French, Patricia M., Lawrence, MA (effective January 27, 2017)

Inactive to ACTIVE:

- 1330 Kehoe, Maureen E., Westfield, NJ (effective January 18, 2017)
- 11050 Klinghoffer, Judith A., Wilton NH (effective January 23, 2017)
- 1497 Lloyd, Nina W., Hanover, NH (effective January 13, 2017)

Inactive Retired to DECEASED:

- 1285 Jones, Sloan B., Ticonderoga, NY (effective June 12, 2016)

Corrections:

In January Status Change Report, Attorney Albert Souther's ID number was incorrectly listed as 4121. It should read 4124.

In January Status Change Report, Attorney Michael Pearson # 17149 was recorded as changing from Suspended status to Inactive. It should read Active.

